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|---|-------------|-----------------------|---------------------|------------------|
| 10/524,365  | 08/23/2005  | Jean-Christophe Amiel | 328474US79PCT       | 9862             |
| 22850 7590 11/21/2008<br>OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                       |                     |                  |
| EXAMINER<br>EL-ZOOBI, MARIA   |             |                       |                     |                  |
| ART UNIT  |             | PAPER NUMBER          |                     |                  |
| 2614  |             |                       |                     |                  |
| NOTIFICATION DATE   |             | DELIVERY MODE         |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/524,365

**Applicant(s)**

AMIEL ET AL.

**Examiner**

MARIA EL-ZOOBI

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14, 20-23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canova (US 6, 906741) in view of Trinca (US 6,850266).

Regarding claim 14, Canova discloses, a method of broadcasting multimedia data files, during a video conference established between a sending terminal and one or more receiving terminals (Col. 5, lines 43-52 and 29-37) these terminals being equipped with audio and video sources (see Fig. 1) the method comprising:

utilizing between the sending terminal and said one or more receiving terminals a communication protocols to enable the communication between the terminals (Col. 8, lines 29-36)

enabling in real time in the sending terminal, from sending the video issuing from a multimedia file with the video issuing from the video capture source, in response to an action performed by a participant via a user interface of said sending terminal to broadcast said multimedia file (Col. 6, lines 32-65 and Col. 5, lines 42-52 and Col. 7, lines 10-20, 50-53, 60-67)

broadcasting multimedia files by said sending terminal in real time with said video conferencing communication without breaking said video communication (Col. 7, lines 10-20; so user can listen to a speaker access presentation document all during the conference call), a video data including "live video of participants, video clips, etc" may be used in different formats, one video option may be provide for the presentation or display multiple windows (Col. 6, lines 32-40), so user can view other video data without interrupting the video conference (Col. 6, lines 38-40, 62-65), and broadcasting

audio issuing from the audio source of the sending terminal (Col. 7, lines 60-64).

Canova does not explicitly teach negotiating between the sending terminal and said one or more receiving terminals at least one communication parameter including a video coding standard. However, it is well known in the art that during the establishment of a connection, the receiver and transmitter negotiate communication parameters so to achieve fully transmitter, receiver and network capabilities.

Canova does not also explicitly teach that the video issuing from a multimedia file with the video issuing from the video capture source and broadcasting the mixed video resulting from the mixing and coded according to said video coding standard, in replacement of the video issuing from the video capture source of the sending terminal through the audio /video channel opened for the video conference.

Trinca in the same art of endeavor discloses, carrying out video conferencing with the simultaneous insertion of auxiliary information, Trinca also discloses mixing the video issuing from a multimedia file with the video issuing from the video capture source the video conference and broadcasting on the same channel (Col. 4, lines 30-67 and Col. 5, lines 1-30; superimposition a video data "video feeding, titles, soundtrack" onto the videoconference signal), Trinca also discloses ensure a total compatibility between different videoconferencing system through plurality of CODEC (Col. 7, lines 31-52). Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Canova with Trinca teaching in order to save bandwidth and ensure a reliable transmission.

Regarding claim 20, Canova in view of Trinca discloses, wherein the

broadcasting is implemented by a program whose execution is launched by a user interface of the sending terminal (Canova: Col. 10, lines 21-26 and Col. 5, lines 30-37).

Regarding claim 21, Canova in view of Trinca discloses, a computer terminal comprising means for implementing a video conference during which this terminal proceeds with a broadcasting of data files (Canova: Fig. 2, el. 100 and see claim 14), the terminal comprising an interface provided with graphical representation means for displaying several windows (Canova: Col. 4, lines 9-15, Fig. 4, el. 348, 334 and 314) including a first window for displaying, during a video conference communication, a video image broadcasted to one or more distant terminals (Canova: Fig. 4, el. 314) and at least one second window for displaying at least one video image issuing from a distant terminal (Canova: Col. 7, lines 60-66 though Col. 8, lines 1-7)

wherein said graphical representation means displays at least one other window for revealing multimedia files available from the terminal (Canova: Fig. 4, el. 348 and 332)

said interface also comprising a logic module providing coupling between an operation of selecting a file and of moving in the second window and the launch by the video conference means of a program allowing the broadcast of a selected file in real time with the current video conference communication, without disrupting the communication (Canova: Col. 5, lines 39-52, lines 60-66 and Col. 7, lines 10-20; since the user interface allow the user from switching between windows and sharing a file during a

conferencing, it is inherent that the interface include a logic to enable these features) and by using the audio and video channels opened for this communication (Trinca: (Col. 4, lines 30-67 and Col. 5, lines 1-30; superimposition a video data "video feeding, titles, soundtrack" onto the videoconference signal).

Regarding claim 22, Canova in view of Trinca discloses, wherein the user interface is implemented by a computer program launched by the video conference means (Canova: Col. 6, lines 41-65: implementing the selected interface is being done with choosing a functionality key, in other words selecting this key will launch a program to accomplish the desired functionality).

Regarding claim 23/14, Canova in view of Trinca discloses, a computer readable storage medium encoded with computer program instruction which when executed by each terminal participating in a video conference, implements the broadcasting method and in that its execution is launched by a man/machine interface located in each terminal (Canova: Col. 10, lines 21-26 and Col. 7, lines 7-20).

Regarding claim 24, see claim 1 rejection.

4. Claim 15 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable Canova (US 6, 906741) in view of Trinca (US 6,850266) and further in view of Ataras (5,668738).

Regarding claim 15, Canova in view of Trinca discloses, ensure total compatibility through the broadcasting of the multimedia files and video conference (Col. 7, lines 32-43).

Canova in view of Trinca does not explicitly disclose, another parameter negotiated is a bandwidth allocated for the audio and video channels of the video conference communication, the multimedia files being broadcast in compliance with the bandwidth. However, it is well known for skilled in the art, that "a total compatibility", include bandwidth, frequencies, etc..

Ataras in the similar art of endeavor discloses, in a video conference system, adding "mixing data sources "which can be files graphic and text" with video conference data "audio and video" using a MUX (Col. 3, lines 28-49).

Ataras also discloses negotiate the bandwidth parameter (Col. 3, lines 50-56).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Canova in view of Trinca with Ataras teaching in order to ensure system reliability.

Regarding claim 23/15, Canova in view of Trinca and further in view of Ataras discloses, a computer readable storage medium encoded with computer program instruction which when executed by each terminal participating in a video conference, implements the broadcasting method and in that its execution is launched by a



man/machine interface located in each terminal (Canova: Col. 10, lines 21-26 and Col. 7, lines 7-20).

5. Claims 16-19, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable Canova (US 6, 906741) in view of Trinca (US 6,850266) and further in view of Lee (US 6,792048).

Regarding claim 16, Canova in view of Trinca discloses, ensure total compatibility through the broadcasting of the multimedia files and video conference (Trinca: Col. 7, lines 32-43).

Canova in view of Trinca does not explicitly discloses, wherein other negotiated parameters include frequencies of the audio and video streams of the streams captured by the audio and video capture sources, the multimedia files being broadcast in compliance with the frequencies.

However, it is well know for skilled in the art, that "a total compatibility", include bandwidth, frequencies ,etc..

Lee discloses negotiating communication parameters between terminals that support video conferencing (Col. 1, lines 8-11, Col. 8, lines 36-67), including negotiating frequency (Col. 7, lines 7-25).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Canvas in view of Trinca with Lee teaching in order to ensure system reliability.

Regarding claim 17, Canova in view of Trinca discloses, ensure total compatibility through the broadcasting of the multimedia files and video conference (Trinca: Col. 7, lines 32-43).

Canova in view of Trinca does not explicitly disclose, wherein another negotiated parameter is the frame size of the broadcast images, the resulting mixed video issuing from the video capture sources and from a multimedia file complying with the negotiated size.

Lee discloses negotiating communication parameters between terminals that support video conferencing (Col. 1, lines 8-11, Col. 8, lines 36-67), including negotiating frame size (Col. 5, lines 14-38).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Canvas in view of Trinca with Lee teaching in order to ensure system reliability.

Regarding claim 18, Canova in view of Trinca discloses, ensure total compatibility through the broadcasting of the multimedia files and video conference (Trinca: Col. 7, lines 32-43).

Canova in view of Trinca does not explicitly disclose, wherein another negotiated parameter is the audio coding standard to be applied to the bit streams of the audio

capture sources, the audio bit streams of a multimedia file being coded according to the negotiated audio coding standard.

Lee discloses negotiating communication parameters between terminals that support video conferencing (Col. 1, lines 8-11, Col. 8, lines 36-67), including negotiating audio coding standard (Col. 5, lines 15-38 and Col. 6, lines 30-50).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Canvas in view of Trinca with Lee teaching in order to ensure system reliability.

Regarding claim 19, see claim 18; negotiate the audio standard between two terminals include all audio being exchange between these terminals.

Regarding claim 23/16, 23/17, 23/17, 23/19, 23/20, 23/21, 23/22, Canova in view of Trinca and further in view of Lee discloses, a computer readable storage medium encoded with computer program instruction which when executed by each terminal participating in a video conference, implements the broadcasting method and in that its execution is launched by a man/machine interface located in each terminal (Canova: Col. 10, lines 21-26 and Col. 7, lines 7-20).

Regarding claim 25, see claim 18 and 19 rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA EL-ZOOBI whose telephone number is (571)270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. E./  
Examiner, Art Unit 2614

/CURTIS KUNTZ/  
Supervisory Patent Examiner, Art Unit 2614

